

Senate File 2360 - Reprinted

SENATE FILE 2360

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2190)

(SUCCESSOR TO SSB 3080)

(As Amended and Passed by the Senate February 25, 2020)

A BILL FOR

1 An Act relating to classroom management and related
2 practitioner preparation procedures for reporting classroom
3 violence and assaults, to corporal punishment, establishing
4 a grant program and fund for creation of therapeutic
5 classrooms, providing claims reimbursement to school
6 districts for costs relating to therapeutic classrooms,
7 making appropriations, and including effective date
8 provisions.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2020, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 60. Develop, establish, and distribute
4 to school districts evidence-based standards, guidelines, and
5 expectations for the appropriate and inappropriate responses
6 to behavior in the classroom that presents an imminent threat
7 of bodily injury to a student or another person and for the
8 reasonable, necessary, and appropriate physical restraint
9 of a student, consistent with rules adopted by the state
10 board pursuant to section 280.21. The director shall consult
11 with the area education agencies to create comprehensive and
12 consistent standards and guidance for professional development
13 relating to successfully educating individuals in the least
14 restrictive environment, and for evidence-based interventions
15 consistent with the standards established pursuant to this
16 subsection.

17 Sec. 2. Section 256.16, subsection 1, paragraph c, Code
18 2020, is amended to read as follows:

19 c. Include in the professional education program,
20 preparation that contributes to the education of students
21 with disabilities and students who are gifted and talented,
22 preparation in developing and implementing individualized
23 education programs and behavioral intervention plans,
24 preparation for educating individuals in the least restrictive
25 environment and identifying that environment, and strategies
26 that address difficult and violent student behavior and
27 improve academic engagement and achievement, and preparation in
28 classroom management addressing high-risk behaviors including,
29 but not limited to, behaviors related to substance abuse.
30 Preparation required under this paragraph must be successfully
31 completed before graduation from the practitioner preparation
32 program.

33 Sec. 3. NEW SECTION. 256.25 Therapeutic classroom incentive
34 grant program — fund.

35 1. The department shall create a therapeutic classroom

1 incentive grant program to provide competitive grants to school
2 districts for the establishment of therapeutic classrooms.

3 2. A school district, which may collaborate and partner
4 with one or more school districts, area education agencies,
5 accredited nonpublic schools, nonprofit agencies, and
6 institutions that provide children's mental health services,
7 located in mental health and disability services regions
8 providing children's behavioral health services in accordance
9 with chapter 331, subchapter III, part 6, may apply for a grant
10 under this program to establish a therapeutic classroom in the
11 school district in accordance with this section.

12 3. The department shall develop a grant application
13 and selection and evaluation criteria. Selection criteria
14 shall include a method for prioritizing grant applications
15 submitted by school districts located in mental health and
16 disability services regions providing children's behavioral
17 health services in accordance with chapter 331, subchapter III,
18 part 6, with those proposing to serve the most students given
19 highest priority.

20 4. *a.* The department may disburse moneys contained in
21 the therapeutic classroom incentive fund as grants to school
22 districts for the establishment of therapeutic classrooms.

23 *b.* The total amount of funding awarded for the establishment
24 of therapeutic classrooms for a fiscal year shall not exceed
25 an amount equivalent to the state cost per pupil multiplied by
26 weighting of one and one-half pupil calculated for one hundred
27 fifty pupils.

28 *c.* Grant awards shall be made for the establishment of
29 therapeutic classrooms with one to five pupils, classrooms
30 with six to ten pupils, and classrooms with eleven to fifteen
31 pupils.

32 *d.* For purposes of calculating a therapeutic classroom grant
33 award, the department shall determine grant awards based on the
34 following:

35 (1) For classrooms with one to five pupils, using the state

1 cost per pupil multiplied by weighting of one and one-half
2 pupil multiplied by five.

3 (2) For classrooms with six to ten pupils, using the state
4 cost per pupil multiplied by weighting of one and one-half
5 pupil multiplied by ten.

6 (3) For classrooms with eleven to fifteen pupils, using
7 the state cost per pupil multiplied by weighting of one and
8 one-half pupil multiplied by fifteen.

9 e. Grant moneys shall be distributed after December 31 but
10 before the start of the school calendar for start-up costs for
11 a new therapeutic classroom in the fall semester.

12 5. A therapeutic classroom incentive fund is established
13 in the state treasury under the control of the department.
14 Moneys credited to the fund are appropriated to the department
15 for purposes of distributing grants under this section. The
16 department may accept gifts, grants, bequests, and other
17 private contributions, as well as state or federal moneys,
18 for deposit in the fund. Moneys available in the therapeutic
19 classroom incentive fund for a fiscal year shall be distributed
20 as grants pursuant to this section. Notwithstanding section
21 8.33, moneys in the fund at the close of the fiscal year shall
22 not revert but shall remain available for expenditure for the
23 purposes designated for subsequent fiscal years.

24 6. Placement of a child requiring special education under
25 chapter 256B in a therapeutic classroom, whether or not the
26 school district operating such classroom receives funds under
27 this section, is subject to the provisions of chapter 256B,
28 to the administrative rules adopted by the state board for
29 purposes of chapter 256B, and to the federal Individuals with
30 Disabilities Education Act, 20 U.S.C. §1400 et seq., and shall
31 not violate such laws, rules, or regulations.

32 7. For purposes of this section, "*therapeutic classroom*"
33 means a classroom designed for the purpose of providing support
34 for any student whose emotional, social, or behavioral needs
35 interfere with the student's ability to be successful in the

1 current educational environment, with or without supports,
2 until the student is able to successfully return to the
3 student's current education environment, with or without
4 supports, including but not limited to the general education
5 classroom.

6 Sec. 4. NEW SECTION. 256.25A Therapeutic classroom —
7 claims.

8 1. A school district may submit claims to the department
9 for the costs of providing therapeutic classroom services and
10 transportation services in accordance with this section.

11 a. (1) If the general assembly appropriates moneys for
12 purposes of transportation claims reimbursement in accordance
13 with this paragraph "a", a school district may submit a claim
14 for reimbursement for transportation services for students
15 who are enrolled in the school district or in an accredited
16 nonpublic school located within the boundaries of the school
17 district, who have not been assigned a weighting under section
18 256B.9, but who are assigned to a therapeutic classroom that is
19 located more than thirty miles from the school designated for
20 attendance or accredited nonpublic school and is operated by
21 another school district or accredited nonpublic school under
22 an agreement between the school districts or between a school
23 district and an accredited nonpublic school.

24 (2) Claims for transportation reimbursement shall be
25 made to the department by the school district providing
26 transportation during a school year pursuant to subparagraph
27 (1). Claims submitted under this paragraph "a" shall be on a
28 form prescribed by the department, and the claim shall include
29 the number of eligible pupils transported, the number of days
30 each pupil was transported, and a listing of the actual costs
31 incurred. On or before December 1, 2022, the director of
32 the department shall review the data collected through the
33 claims process and shall prepare and submit to the general
34 assembly a report containing an analysis of the efficacy of
35 claims reimbursement in accordance with this section and

1 recommendations for changes as appropriate.

2 *b.* (1) For each fiscal year beginning on or after July
3 1, 2021, there is appropriated from the general fund of the
4 state to the department an amount necessary to pay all approved
5 claims submitted under this paragraph "b".

6 (2) A school district that provides a therapeutic classroom
7 to students enrolled in a school district or an accredited
8 nonpublic school may submit claims to the department for
9 students assigned to such a classroom during the preceding
10 school budget year who are not assigned a weighting under
11 section 256B.9, subsection 1, paragraph "b", "c", or "d", and
12 for whom behavioral intervention plans have been implemented.

13 (3) The amount of the claim shall be equal to the product of
14 the following amounts:

15 (a) The product of one and five-tenths multiplied by the
16 regular program district cost per pupil for the budget year
17 during which the students identified under subparagraph (2)
18 were assigned to the therapeutic classroom.

19 (b) The quotient of the total number of days the students
20 identified under subparagraph (2) were served in a therapeutic
21 classroom divided by the maximum number of school days in the
22 school district's calendar.

23 (4) Using end-of-year data submitted by each school
24 district through student-level data collection, the department
25 shall make claim forms available to each eligible school
26 district containing the available data.

27 2. Nonpublic school students assigned to a therapeutic
28 classroom under subsection 1, paragraph "b", shall be enrolled
29 in a school district as shared-time pupils under section
30 257.6, subsection 1, paragraph "a", subparagraph (7), in order
31 for the school district to submit a claim for reimbursement
32 for services provided to such students under subsection 1,
33 paragraph "b".

34 3. The department shall prorate the amount of claims
35 reimbursement under subsection 1, paragraph "a", if the

1 amount of reimbursement claimed for all school districts under
2 subsection 1, paragraph "a", exceeds the amount appropriated
3 by the general assembly for such purpose plus any available
4 remaining balances from prior fiscal years.

5 4. The costs of providing transportation to nonpublic
6 school pupils as provided in this section shall not be included
7 in the computation of district cost under chapter 257, but
8 shall be shown in the budget as an expense from miscellaneous
9 income. Any transportation reimbursements received by a
10 school district for transporting nonpublic school pupils shall
11 not affect district cost limitations of chapter 257. The
12 reimbursements provided in this section are miscellaneous
13 income as defined in section 257.2.

14 5. By June 15 of each year, school districts with eligible
15 claims shall submit such claims to the department. By July 1
16 of each year, the department shall draw warrants payable to
17 school districts which have established claims.

18 6. The state board shall adopt rules pursuant to chapter 17A
19 to administer this section.

20 7. For purposes of this section, "*therapeutic classroom*"
21 means the same as defined in section 256.25, subsection 7.

22 Sec. 5. Section 256B.2, subsection 2, Code 2020, is amended
23 to read as follows:

24 2. a. It is the policy of this state to require school
25 districts and state-operated educational programs to provide
26 or make provision, as an integral part of public education,
27 for a free and appropriate public education sufficient to
28 meet the needs of all children requiring special education.
29 This chapter is not to be construed as encouraging separate
30 facilities or segregated programs designed to meet the needs
31 of children requiring special education when the children can
32 benefit from all or part of the education program as offered
33 by the local school district. ~~To the maximum extent possible,~~
34 children Children requiring special education shall, consistent
35 with the least restrictive environment requirements under the

1 federal Individuals with Disabilities Education Act, 20 U.S.C.
2 §1400 et seq., attend regular classes and shall be educated
3 with children who do not require special education.

4 b. (1) Whenever ~~possible~~ appropriate, hindrances to
5 learning and to the normal functioning of children requiring
6 special education within the regular school environment shall
7 be overcome by the provision of special aids and services
8 rather than by separate programs for those in need of special
9 education.

10 (2) Special classes, separate schooling, or other removal
11 of children requiring special education from the regular
12 educational environment, shall occur only when, and to
13 the extent that the nature or severity of the educational
14 disability is such, that education in regular classes, even
15 with the use of supplementary aids and services, cannot be
16 accomplished satisfactorily.

17 (3) Individualized education programs for children
18 requiring special education within the regular school
19 environment and behavioral intervention plans shall not
20 include provisions for clearing all other students out of the
21 regular classroom in order to calm the child requiring special
22 education or the child for whom a behavioral intervention plan
23 has been implemented except as provided in section 279.51A.

24 c. For those children who cannot adapt to the regular
25 educational or home living conditions, and who are attending
26 facilities under [chapters 263, 269, and 270](#), upon the request
27 of the board of directors of an area education agency, the
28 department of human services shall provide residential or
29 detention facilities and the area education agency shall
30 provide special education programs and services. The area
31 education agencies shall cooperate with the board of regents to
32 provide the services required by [this chapter](#).

33 Sec. 6. Section 257.6, subsection 1, paragraph a,
34 subparagraph (7), Code 2020, is amended to read as follows:

35 (7) A student attending an accredited nonpublic school or

1 receiving competent private instruction under chapter 299A,
2 who is assigned to a therapeutic classroom in accordance with
3 section 256.25A or is participating in a program under chapter
4 261E, shall be counted as a shared-time student in the school
5 district in which the nonpublic school of attendance is located
6 for state foundation aid purposes.

7 Sec. 7. Section 257.16C, subsection 2, paragraph d, Code
8 2020, is amended to read as follows:

9 d. A school district's transportation cost per pupil
10 shall be determined by dividing the school district's actual
11 transportation cost for all children transported in all
12 school buses for a school year pursuant to section 285.1,
13 subsection 12, less the amount of transportation costs
14 reimbursed under section 256.25A and the amount received for
15 transporting nonpublic school pupils under section 285.1, by
16 the district's actual enrollment for the school year, excluding
17 the shared-time enrollment for the school year as defined in
18 section 257.6.

19 Sec. 8. Section 272.2, subsection 1, paragraph a, Code 2020,
20 is amended to read as follows:

21 a. License practitioners, which includes the authority
22 to establish criteria for the licenses; establish issuance
23 and renewal requirements; create application and renewal
24 forms; create licenses that authorize different instructional
25 functions or specialties; develop a code of professional rights
26 and responsibilities, practices, and ethics, which shall,
27 among other things, address the failure of a practitioner
28 to fulfill contractual obligations under section 279.13,
29 the failure of an administrator to protect the safety of
30 staff and students, the failure of an administrator to meet
31 mandatory reporter obligations, the refusal of a practitioner
32 to implement provisions of an individualized education
33 program or behavioral intervention plan, and habitual
34 nonparticipation in professional development; and develop any
35 other classifications, distinctions, and procedures which may

1 be necessary to exercise licensing duties. In addressing the
2 failure of a practitioner to fulfill contractual obligations,
3 the board shall consider factors beyond the practitioner's
4 control.

5 Sec. 9. NEW SECTION. **279.51A Classroom environment —**
6 **behavioral challenges — reports of violence or assault.**

7 1. A classroom teacher may clear students from the classroom
8 only if necessary to prevent or terminate an imminent threat of
9 bodily injury to a student or another person in the classroom.

10 2. If a classroom teacher clears all other students from the
11 classroom in accordance with subsection 1, the school principal
12 shall, by the end of the school day if possible but at least
13 within twenty-four hours after the incident giving rise to
14 the classroom clearance, notify the parents or guardians of
15 all students assigned to the classroom that was cleared. The
16 notification shall not identify, directly or indirectly, any
17 students involved in the incident giving rise to the classroom
18 clearance. The principal of the school shall request that the
19 parent or guardian of the student whose behavior caused the
20 classroom clearance meet with the principal, the classroom
21 teacher, and other staff as appropriate.

22 3. If the student whose behavior caused the classroom
23 clearance has an individualized education program or a
24 behavioral intervention plan, the classroom teacher shall call
25 for and be included in a review and potential revision of
26 the student's individualized education program or behavioral
27 intervention plan by the student's individualized education
28 program team. The area education agency, in collaboration
29 with the school district, may, when the parent or guardian
30 meets with the individualized education program team during
31 the reevaluation of the student's individualized education
32 program, inform the parent or guardian of individual or family
33 counseling services available in the area.

34 4. A classroom teacher employed by a school district shall
35 report any incident of violence that results in injury or

1 property damage or assault by a student enrolled in the school
2 to the principal of the school.

3 5. Each school district shall report to the department of
4 education, in a manner prescribed by the department, an annual
5 count of all incidents of violence that result in injury or
6 property damage or assault by a student in a school building,
7 on school grounds, or at a school-sponsored function, and any
8 time a student is referred for the use of or transfer to a
9 therapeutic classroom. The report shall include but not be
10 limited to demographic information on students reported as
11 victims and reported as perpetrators of incidents of violence
12 that result in injury or property damage or assault, including
13 but not limited to disaggregated information on race, gender,
14 national origin, age, grade level, and disability, along with
15 any other data required for the department to implement the
16 federal Elementary and Secondary Education Act, as amended by
17 the federal Every Student Succeeds Act, Pub. L. No. 114-95,
18 with appropriate safeguards to ensure student privacy. The
19 department shall compile and summarize the reports, categorized
20 by behavior, and shall submit the summary to the general
21 assembly by November 1 annually. A teacher or administrator
22 who submits a report in accordance with this section and who
23 meets the requirements of section 280.27 or section 613.21
24 shall be immune from civil or criminal liability relating to
25 such action, as well as for participating in any administrative
26 or judicial proceeding resulting from or relating to the
27 report pursuant to the provisions of sections 280.27 and
28 613.21. The provisions of section 70A.29 shall apply to a
29 teacher or administrator who submits a report in accordance
30 with this section or who reports an incident of violence or
31 assault to a local law enforcement agency in good faith and
32 without fraudulent intent or the intent to deceive. Personal
33 information regarding a student in a report submitted pursuant
34 to this section shall be kept confidential as required under
35 the federal Family Educational Rights and Privacy Act, 20

1 U.S.C. §1232g, and in the same manner as personal information
2 in student records maintained, created, collected, or assembled
3 by or for a school corporation or educational institution in
4 accordance with section 22.7, subsection 1.

5 6. For purposes of this section, unless the context
6 otherwise requires, "*bodily injury*" means physical pain,
7 illness, or any other impairment of physical condition.

8 Sec. 10. Section 280.21, subsection 1, Code 2020, is amended
9 to read as follows:

10 1. An employee of a public school district, accredited
11 nonpublic school, or area education agency shall not inflict,
12 or cause to be inflicted, corporal punishment upon a student.
13 For purposes of [this section](#), "*corporal punishment*" means the
14 intentional physical punishment of a student. An employee's
15 physical contact with the body of a student shall not be
16 considered corporal punishment if it is reasonable and
17 necessary under the circumstances and is not designed or
18 intended to cause pain or if the employee uses reasonable
19 force, as defined under [section 704.1](#), for the protection of
20 the employee, the student, or other students; to obtain the
21 possession of a weapon or other dangerous object within a
22 student's control; or for the protection of property. The
23 ~~department~~ state board of education shall adopt rules under
24 chapter 17A to implement [this section](#).

25 Sec. 11. Section 280.21, subsection 2, unnumbered paragraph
26 1, Code 2020, is amended to read as follows:

27 A school employee who, in the reasonable course of the
28 employee's employment responsibilities, comes into physical
29 contact with a student shall be granted immunity from any civil
30 or criminal liability, and immunity from any disciplinary
31 action by the school employee's employer or the board of
32 educational examiners, which might otherwise be incurred or
33 imposed as a result of such physical contact, if the physical
34 contact is reasonable under the circumstances and involves any
35 of the following:

1 Sec. 12. Section 280.21, subsection 2, Code 2020, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *j.* Relocating a student who is causing a
4 severe distraction or disturbance that is detracting from the
5 educational experience of other students.

6 Sec. 13. Section 280.21, Code 2020, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 4. To prevail in a disciplinary action
9 alleging a violation of this section or a disciplinary action
10 alleging a violation of a related school policy, the party
11 bringing the action shall prove the violation by clear and
12 convincing evidence.

13 Sec. 14. DEPARTMENT OF EDUCATION. There is appropriated
14 from the general fund of the state to the department of
15 education for the fiscal year beginning July 1, 2020, and
16 ending June 30, 2021, the following amount, or so much thereof
17 as is necessary, to be used for the purposes designated:

18 For developing, establishing, and distributing standards,
19 guidelines, and expectations relating to behavior in the
20 classroom, restraint of a student, and professional development
21 relating to educating individuals in the least restrictive
22 environment, and for research-based intervention strategies
23 consistent with such standards, guidelines, and expectations,
24 in accordance with section 256.9, subsection 60, as enacted by
25 this Act:

26 \$ 500,000

27 Notwithstanding section 8.33, moneys received by the
28 department pursuant to this section that remain unencumbered or
29 unobligated at the close of the fiscal year shall not revert
30 but shall remain available for expenditure for the purposes
31 specified in this section for the following fiscal year.

32 Sec. 15. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM
33 INCENTIVE FUND. There is appropriated from the general fund
34 of the state to the department education for the fiscal year
35 beginning July 1, 2020, and ending June 30, 2021, the following

1 amount, or so much thereof as is necessary, to be used for the
2 purposes designated:

3 For deposit in the therapeutic classroom incentive fund
4 established pursuant to section 256.25, as enacted by this Act:
5 \$ 1,582,650

6 Sec. 16. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM
7 TRANSPORTATION CLAIMS REIMBURSEMENT. There is appropriated
8 from the general fund of the state to the department of
9 education for the fiscal year beginning July 1, 2020, and
10 ending June 30, 2021, the following amount, or so much thereof
11 as is necessary, to be used for the purposes designated:

12 For payment of school district claims for reimbursement
13 submitted under section 256.25A, subsection 1, paragraph "a",
14 as enacted by this Act:
15 \$ 500,000

16 Notwithstanding section 8.33, moneys received by the
17 department pursuant to this section that remain unencumbered or
18 unobligated at the close of the fiscal year shall not revert
19 but shall remain available for expenditure for the purposes
20 specified in this section for the following fiscal year.

21 Sec. 17. EMERGENCY RULES. The state board of education and
22 board of educational examiners may adopt emergency rules under
23 section 17A.4, subsection 3, and section 17A.5, subsection 2,
24 paragraph "b", to implement the provisions of this Act and
25 the rules shall be effective immediately upon filing unless
26 a later date is specified in the rules. Any rules adopted
27 in accordance with this section shall also be published as a
28 notice of intended action as provided in section 17A.4.

29 Sec. 18. EFFECTIVE DATE. The following takes effect July
30 1, 2021:

31 The section of this Act amending section 256.16, subsection
32 1, paragraph "c".

33 Sec. 19. EFFECTIVE DATE. The following, being deemed of
34 immediate importance, take effect upon enactment:

35 1. The section of this Act enacting section 256.25.

1 2. The section of this Act relating to emergency rules.